



Mary Hubler

State Representative

Hubler Testimony on Senate Bill 408

Exception to the penalties and taxes for withdrawing land from the Managed Forest Law for public safety purposes

Assembly Committee Transportation, Tourism, Forestry and Natural Resources

January 20, 2010

Senator Holperin, members of the committee:

Thank for receiving my testimony on Senate Bill 408.

I introduced this bill as a result of Barron County's struggle to find a suitable site for a communication tower. County law enforcement and other emergency services needed the tower to facilitate communications with all corners of the county.

All options were investigated. Finally, the only viable solution was to put the tower on private land. The landowners provided a parcel of less than five acres to the county for siting the tower.

The land was enrolled in the Managed Forest Law program. The county and the landowners attempted to remove only the land necessary for the tower from the Managed Forest Law program. The Wisconsin Department of Natural Resources was compelled by the statutes to order the withdrawal of the entire 40-acre parcel and to charge the corresponding withdrawal taxes and penalties. The bill will come to more than \$34,000 and the landowner will lose the tax benefit for the future.

I appreciate that MFL delivers a tax benefit in exchange for keeping land forested and, to some extent, available for public use. In this case, however, the land is not being transferred to a developer or being cleared for agriculture. The bulk of it would remain forested while a corner of it is devoted to the safety and welfare of the community and those who visit or travel through the county.

Current law provides for other public purpose exceptions when property is removed from the Managed Forest Law program. Withdrawal taxes and fees may not be assessed when an owner transfers MFL land to a municipal government for the purposes of a road, railroad or utility right of way.

Senate Bill 408 would create an additional exception for land transferred for the purposes of siting a public safety communications tower. The bill further bars the DNR from ordering the removal of the remainder of the parcel from the program, unless, of course, the remaining land fails to meet the MFL standards.

The Assembly version of the bill, AB 531, was approved unanimously as amended by the Assembly Committee on Forestry on January 12. The amendment provides the exception for land that is leased for the purposes of building a public safety tower. The bill as drafted covered only situations where a transfer of ownership occurred.

The benefits of this bill may well extend to other counties or municipal governments that encounter their own difficulties in developing modern communications facilities. It provides a way for landowners to aid public safety and avoid significant financial penalties while keeping the remaining land in the program and available for limited public use.

Thank you for considering this proposal.